

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 12/16/2014

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-v-

ROSS WILLIAM ULBRICHT,

Defendant.

-----X

KATHERINE B. FORREST, District Judge:

14 Cr. 68 (KBF)

ORDER

Further to the Court's questions and concerns as expressed on the record on December 15, the court needs to further understand the government's legal theory as to the following:

1. Does the government contend that the defendant was the hub in a hub and spoke conspiracy -- or would the government characterize his alleged position otherwise?
2. If the defendant is alleged to be at the center of the conspiracy as a hub or occupying a position akin to a hub, does the government agree that it must prove the existence of a rim to connect the various co-conspirators to each other? If not, please provide case law support for the government's position.

3. Does the government contend that all sellers of all types of drugs during the entire conspiracy timeframe were part of a single conspiracy? If so, please provide case law support.

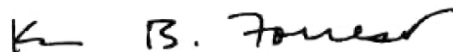
4. What does "mutual dependence" mean as a matter of law and what must the government prove to demonstrate this? Put another way, apart from asserting mutual dependence, must the government show that a seller of LSD on day one of the launch was mutually dependent on a seller of heroin on day 250?

5. How does mutual dependence work when buyers and sellers are targeting particular drugs only? (That is, why does a seller of LSD care about the vibrancy of the marketplace for heroin? What type of proof could establish any necessary inference?)

The court would like to have the government's responses before or at the final pre-trial conference.

SO ORDERED.

Dated: New York, New York  
December 16, 2014



---

KATHERINE B. FORREST  
United States District Judge